

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LEE MURRAY SYKES,

Petitioner,

vs.

ANTHONY SCILLIA, et al.,

Respondents.

2:10-cv-00494-RCJ-LRL

ORDER

The petitioner has presented the Court with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and has paid the filing fee. In response to the court's order directing supplementation of the petition with copies of all orders from the Nevada Supreme Court pertaining to his case, he has provided the Nevada Supreme Court's decision on appeal from post-conviction. The petition shall now be served on respondents who shall supplement the record with their answer or response to the petition pursuant to Rule 5 of the Rules Governing Second 2254 Cases.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is

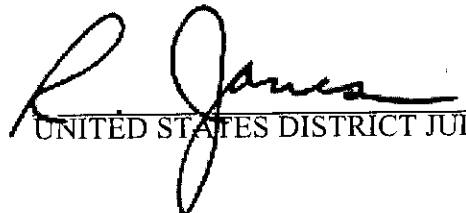
1 aware of any claim not included in his petition, he should notify the Court of that as soon as possible,  
2 perhaps by means of a motion to amend his petition to add the claim.

3 **IT IS THEREFORE ORDERED** that the Clerk shall **ELECTRONICALLY SERVE**  
4 the petition (docket #1) and the Supplement to the Petition (docket #5) upon the respondents.

5 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from  
6 entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other  
7 response, respondents shall address any claims presented by petitioner in his petition as well as any claims  
8 presented by petitioner in any Statement of Additional Claims. Respondents shall raise all potential  
9 affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default.  
10 **Successive motions to dismiss will not be entertained.** If an answer is filed, respondents shall comply  
11 with the requirements of Rule 5 of the Rules Governing Proceedings in the United States District Courts  
12 under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-five (45) days** from the date of  
13 service of the answer to file a reply.

14 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney  
15 General of the State of Nevada a copy of every pleading, motion, or other document he submits for  
16 consideration by the Court. Petitioner shall include with the original paper submitted for filing a  
17 certificate stating the date that a true and correct copy of the document was mailed to the Attorney  
18 General. The Court may disregard any paper that does not include a certificate of service. After  
19 respondents appear in this action, petitioner shall make such service upon the particular Deputy Attorney  
20 General assigned to the case.

21 Dated this 24 day of May, 2010.

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25 UNITED STATES DISTRICT JUDGE  
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